

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2225 OF 2018

1] Gajanan S/o Jalbhaji Jorule,
Age : 21 Years Occ. Agriculture,

2] Jalbaji Paraji Jorule,
Age : 55 Years, Occ. Agriculture,

Both R/o. Pathra, Tq. & District
Parbhani.

3] Rohidas Paraji Jorule,
Age : 40 Years, Occ. Agril,
R/o. Balaji Nagar, Loha,
Tq. Loha, Dist. Nanded

4] Gangadhar Paraji Jorule,
Age : 42 Years, Occ. Agriculture,
R/o. Balaji Nagar, Loha,
Tq. Loha, Dist. Nanded.

..APPLICANTS

VERSUS

1] The State of Maharashtra,

2] Balaji Mohanrao Jorule,
Age : 38 Years, Occ. Agriculture,

3] Mohanrao Jalbaji Jorule,
Age : 63 Years, Occ. Agriculture,

4] Radhakisan Mohanrao Jorule,
Age : 40 Years, Occu. Agriculture,

Respondent Nos. 2 to 4 All R/o
Pathra, Tq. & Dist. Parbhani.

... RESPONDENTS

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Advocate for Applicants : Mr. S. K. Chavan

APP for Respondents: Mr. S. J. Salgare

Advocate for Respondent nos. 1 to 4 : Mr. R.O. Awasarmol

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**CORAM :T.V. NALWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE :08th OCTOBER, 2018.**

JUDGMENT(Per T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2] Heard both the sides.

3] The proceeding is filed under Section 482 of the Code of criminal Procedure for relief of quashing of FIR No. 48-2015 registered with Tadkalas Police Station, Tq. Purna District Parbhani for the offences punishable under Sections 307, 325, 324, 323,504, 506 read with Section 34 of the Indian Penal Code and also Sessions Case No. 12-2016 which is pending in the Court of learned Ad-Hoc Additional Sessions Judge, Parbhani. During the argument learned counsel for the appellants and first informant submits that parties have settled the dispute. They have filed the affidavits of all the three injured which is in form of compromise.

4] This Court has perused the record. There was dispute over boundary and the tension increased due to leakage of pipe-line. The allegations are made that in the incident the present appellants had

assaulted three injured with an Axe and an iron bars. This Court has seen the injury certificate. Balaji sustained fracture of proximal phalanges of right thumb and other injuries were simple. Mohan sustained dislocation of distal phalanges of left thumb and some injuries like contusions. Other witness sustained fracture and dislocation of ulna, and other injuries which were simple. The incident took place in the private property and the injured would be the witnesses. They will not be giving evidence against the present appellant. The dispute started over the boundary and they want to live peaceful life in future. In view of nature of dispute and the aforesaid circumstances this Court holds that nothing can be achieved by asking the present applicants to face the trial in the aforesaid case. In the result, the application is allowed subject to condition of depositing of Rs. 10,000/- (Rupees Ten thousand) by each of the applicants. (Total amount of Rs. 40,000/-) with High Court Legal Service Authority. The amount is to be deposited within 10 days from today, subject to that condition the relief is granted in terms of prayer clause (B).

Rule made absolute in those terms.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE